

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-56-420	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Dan S. Jones	801-530-6720	801-530-6511	dansjones@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Administration of Building Code Training Fund
3.	Type of notice:
	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The Division and the Uniform Building Code Commission are filing this separate rule filing to place the Building Code Training Fund administration policies and procedures into rule. The Building Code Training Fund has been in place and operating for a number of years. It has been recommended that the policies and procedures for how this fund has been administered be placed into this rule.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	Yes ___; No XX
6.	Summary of the rule change:
	Section 420 is added to the rule to identify the policies and procedures the Division has been utilizing with respect to the administration of the Building Code Training Fund.
7.	Aggregate anticipated cost or savings to:
	A) State budget:

	<p>It is anticipated that there will be no additional cost to the state budget and Division budget beyond those costs to publish the rule which are identified in a separate rule filing affecting R156-56. The policies and procedures being added to the rule have been in place and result in no change in how this fund is administered.</p>		
	<p>B) Local government:</p>		
	<p>The Division has determined that should be no costs or savings to local governments. The policies and procedures being added to the rule have been in place and result in no change in how this fund is administered.</p>		
	<p>C) Small businesses (fewer than 50 employees) AND persons other than businesses:</p>		
	<p>The Division has determined that should be no costs or savings to small businesses and persons other than businesses. The policies and procedures being added to the rule have been in place and result in no change in how this fund is administered.</p>		
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p>		
	<p>The Division has determined that should be no costs or savings to affected persons. The policies and procedures being added to the rule have been in place and result in no change in how this fund is administered.</p>		
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p>		
	<p>This rule filing codifies existing Division procedures regarding the administration of the Building Code Training Fund. Therefore, no fiscal impact to businesses is anticipated as a result of this rule filing. Francine A. Giani, Executive Director</p>		
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</p>		
	<p>Section 58-56-1 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2) and 58-56-6(2)(a)</p>		
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>		
12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p>		
	<p>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</p>		<p>12/03/2007</p>
	<p>B) A public hearing (optional) will be held:</p>		
	<p>on (mm/dd/yyyy):</p>	<p>at (time):</p>	<p>At (place):</p>
	<p>11/15/2007</p>	<p>9:00 am</p>	<p>State Office Building, Room 4112, Salt Lake City, Utah</p>
13.	<p>This rule change may become effective on (mm/dd/yyyy):</p>		<p>12/10/2007</p>
	<p>NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.</p>		
14.	<p>Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):</p>		
	<p>contractors</p>		<p>building codes</p>

	building inspection	licensing	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-56.pr1
<p>To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	F. David Stanley, Director	Date (mm/dd/yyyy):	10/11/2007

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-56. Utah Uniform Building Standard Act Rules.

R156-56-420. Administration of Building Code Training Fund.

In accordance with Subsection 58-56-9(3)(a), the Division shall use monies received under Subsection 58-56-9(4) to provide education regarding codes and code amendments to building inspectors and individuals engaged in construction-related trades or professions. The following procedures, standards and policies are established to apply to the administration of the fund:

(1) The Division shall not approve or deny expenditure requests from the Building Code Training Fund ("the fund") until the Uniform Building Code Commission (UBCC) Education Advisory Committee ("the Committee"), created in accordance with Subsections 58-1-203(1)(f), 58-56-5(10)(d) and (e), and R156-56-202(1)(a) has considered and made its recommendations on the requests.

(2) Appropriate funding expenditure categories include:

(a) grants in the form of reimbursement funding to the following organizations which administer code related educational events, seminars or classes:

(i) schools, colleges, universities, departments of universities or other institutions of learning;

(ii) professional associations or organizations; and

(iii) governmental agencies.

(b) costs or expenses incurred as a result of educational events, seminars or classes directly administered by the Division;

(c) expenses incurred for the salary, benefits or other compensation and related expenses resulting from the employment of a Board Secretary;

(d) office equipment and associated administrative expenses required for the performance of the duties of the Board Secretary, including but not limited to computer equipment, telecommunication equipment and costs and general office supplies; and

(e) other related expenses as determined by the Division.

(3) The following procedure shall be used for submission, review and payment of funding grants:

(a) A funding grant applicant shall submit a "Tentative Training Plans and Funding Request Estimate" preferably prior to the beginning of the fiscal year for budget consideration.

(b) A funding grant applicant shall submit a completed "Application for Building Code Training Funds Grant" preferably a minimum of 15 days prior to the meeting at which the request is to be considered and prior to the training event on forms provided for that purpose by the Division. Applications

received less than 15 days prior to a meeting may be denied.

(c) A funding grant applicant shall include in its application a summary and analysis of training costs based upon the estimated costs of the proposed training.

(d) Payment of approved funding grants will be made as reimbursement after the approved event, class, or seminar has been held and the required receipts, invoices and supporting documentation have been submitted to the Division.

(4) The Committee shall consider the following in determining whether to recommend approval of a proposed funding request to the Division:

(a) costs of the facility including:

(i) the location of a facility or venue to the type of event, seminar or class;

(ii) the suitability of said facility or venue with regard to the anticipated attendance at or in connection with additional non-funded portions of an event or conference;

(iii) the duration of the proposed educational event, seminar or class; and

(iv) whether the proposed cost of the facility is reasonable compared to the cost of alternative available facilities;

(b) the estimated cost for instructor fees including:

(i) the experience or expertise of the instructor in the proposed training area;

(ii) the quality of training based upon events, seminars or classes that have been previously taught by the instructor;

(iii) the drawing power of the instructor, meaning the ability to increase the attendance at the proposed educational event, seminar or class;

(iv) travel expenses; and

(v) whether the proposed cost for the instructor or instructors is reasonable compared to the costs of similar educational events, seminars or classes;

(c) the estimated cost of advertising materials, brochures, registration and agenda materials including:

(i) printing costs which may include creative or design expenses; and

(ii) whether delivery or mailing costs, including postage and handling, are reasonable compared to the cost of alternate available means of delivery;

(d) other reasonable and comparable cost alternatives for each proposed expense item; and

(e) any other information the Committee reasonably believes may assist in evaluating a proposed expenditure.

(5) Joint Functions.

(a) "Joint function" means a proposed event, class,

seminar or program that provides code or code related education and education or activities in other areas.

(b) Only the prorated portions of a joint function which are code and code related education are eligible for a funding grant.

(c) In considering a proposed funding request that involves a joint function, the Committee shall consider whether:

(i) the expenses subject to funding are reasonably prorated for the costs directly related to the code and code amendment education; and

(ii) the education being proposed will be reasonable and successful in the training objective in the context of the entire program or event.

(6) Advertising materials, brochures and agenda or training materials for a funded educational event, seminar or class shall include a statement which acknowledges that partial funding of the training program has been provided by the Utah Division of Occupational and Professional Licensing from the 1% surcharge funds on all building permits.

KEY: contractors, building codes, building inspection, licensing

Date of Enactment or Last Substantive Amendment: ~~[July 1,]~~2007

Notice of Continuation: March 29, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)